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Attorneys for Defendant

HOMEcomings FINANCIAL, LLC

*f/k/a* HOMEcomings FINANCIAL

NETWORK, INC.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

DOUG PEARSON, an individual, on behalf of )  
himself, and on behalf of all persons similarly )  
situated, )

Plaintiff, )

vs. )

HOMEcomings FINANCIAL LLC, formerly )  
known as HOMEcomings FINANCIAL )  
NETWORK, INC.; and DOES 1 through 100, )  
Inclusive, )

Defendants. )

CASE NO. 08 CV 0515 H (NLS)

**DEFENDANT'S NOTICE OF EX PARTE  
MOTION AND EX PARTE MOTION FOR  
FURTHER EXTENSION OF TIME TO  
RESPOND TO PLAINTIFF'S FIRST  
AMENDED COMPLAINT**

**[Filed concurrently with Memorandum of  
Points and Authorities; [Proposed] Order e-  
mailed directly to the Court]**

**Hon. Marilyn L. Huff  
Courtroom 13**

TO THE COURT, TO PLAINTIFF AND HIS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Defendant Homecomings Financial, LLC *f/k/a* Homecomings Financial Network, Inc. ("Defendant") will seek the Court's approval ex parte, pursuant to CivLR 12.1 and 83.3(h), for an additional thirty (30) day extension of time up to and including September 15, 2008 within which to respond to the First Amended Complaint ("FAC") filed by Plaintiff Doug

Pearson ("Plaintiff"). Good cause exists for this Court to grant the requested extension because, since the Court granted the Parties' initial joint motion for a 30 day extension on July 10, 2008, the Parties have been actively and diligently engaged in settlement negotiations. The Parties are currently on the verge of finalizing a settlement that will likely result in the resolution of this action and the dismissal of Plaintiff's FAC and the Parties require the additional time requested herein in order to finalize said settlement agreement. Alternatively, should the referenced settlement negotiations falter, the additional time will allow Defendant to adequately respond to the FAC.

This ex parte motion will be based on this Notice of Motion and Motion, the Memorandum of Points and Authorities filed concurrently herewith, the pleadings and papers on file with the Court in this action, and such oral argument as may be made at the time of any hearing that may be scheduled by the Court.

Dated: August 14, 2008

Respectfully Submitted,

LOCKE LORD BISSELL & LIDDELL LLP

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